THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 4th day of April,2007

W.P.No.9743 of 1998

Between:-

Balum Nagaraju … Petitioner

and

The Project Officer, Integrated
Tribal Development Agency (ITDA)
Rampachodavaram, East Godavari
District and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9743 of 1998

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the 1st respondent in issuing Proceedings No.1823/94, dated 15-7-1994 as arbitrary and illegal.

Under the impugned Proceedings dated 15-7-1994, a call letter was issued by the 1st respondent to the petitioner informing him to appear for the written test scheduled on 2-8-1994 at 10.00 a.m. at A.P. Residential School, Rampachodavaram for filling up the Teacher posts in Girijan Vidya Vikas Kendra under the purview of the Integrated Tribal Development Agency, Rampachodavaram.

According to the petitioner, for filling up the said posts, earlier a written test was conducted on 6-12-1992 at 10.30 a.m. at Andhra Pradesh Gurukula School, Rampachodavaram. He was also called for interview on 24-12-1992 since he was selected in the written test. He attended for the interview on the said date. Thereafter, the 1st respondent issued Proceedings dated 23-5-1994 directing him to submit the original caste certificate obtained from the Mandal Revenue Officer for considering his case for appointment as G.V.V.K. Teacher. Pursuant to the said letter, he submitted original caste certificate to the authorities and waiting for posting orders. While so, the present Project Officer issued another call letter dated 15-7-1994 for conducting written test for the very same post and no reasons have

been assigned for not appointing him and others in pursuance of the written test and interview held earlier on 6-12-1992 and 24-12-1992 respectively. Therefore, the impugned call letter is arbitrary and illegal.

A detailed counter affidavit has been filed on behalf of the 1st respondent denying the allegations made by the petitioner. It is categorically asserted by the respondents that a written test was conducted on 6-12-1992 for filling up of 29 vacancies of GVVK Teachers as existed at that time, by calling the eligible tribal candidates from the list of candidates sponsored by Sub-Employment Exchange, Rampachodavaram. The minimum educational qualification for the post of GVVK Teacher prevailing at that time as per G.O.Ms.No.302, Education Department, dated 10-7-1986 was 'pass or fail in SSC'. The interviews were conducted to those who have passed written test, on 24th and 26th December,1992. Basing on the results of the written test and interview, a merit list was prepared. Before the appointments could be made, the Government amended the minimum educational qualifications required for the post of GVVK Teacher as pass in SSC vide G.O.Ms.No.46, Education Department, dated 7-2-1994. But, at the time of selection of candidates and preparation of merit list based on which the previous vacancies were filled, the minimum qualification was '10th class pass or fail'. Subsequently, as per the Proceedings dated 27-3-1994, 3-5-1994 and 1-6-1994, about 40 Teachers were absorbed into T.W. Ashram Schools and as such, 40 fresh vacancies of GVVK Teachers posts arise, in addition to 9 vacancies, which were existing. Thus, a total of 49 fresh vacancies needed to be filled up. Besides that, a merit list of 27 candidates and waiting list with 28 candidates were prepared to fill up 29 posts vacant at that time of written test on 6-12-1992 and these 49 vacancies, which arose afresh due to absorption of GVVK

Teachers in Ashram Schools in the month of March,1994, May,1994 and June,1994, cannot be treated as a part of previous vacancies. As per the procedure, for selection of the candidates for filling up of these 49 vacancies, a fresh list of candidates having academic qualification in accordance with the modified Orders issued in G.O.Ms.No.46, dated 7-2-1994 had to be prepared. Therefore, it is not true to say that the entire selection process for appointment of GVVK Teachers took two years as stated by the petitioner. To fill up 29 vacancies existed at that time, written test was conducted on 6-12-1992, interviews were held on 24th and 26th December,1992 and the process of appointments was completed by 27-6-1993 i.e. the entire process was completed in about 6 months time. Subsequently, 49 vacancies arose afresh from March,1994. Since there is considerable lapse of time and the previous merit list of 27 candidates and waiting list of 28 candidates were used to fill 50 vacancies upto 27-6-1993 and the panel lost its validity and as the Government had revised the prescribed minimum educational qualification as 'SSC pass' for the post of GVVK Teacher with effect from 7-2-1994, fresh list of eligible candidates with academic qualifications in accordance with the revised Government Orders was obtained from the Sub-Employment Exchange, Rampachodavaram and call letters were sent to the candidates to appear for written test on 2-8-1994.

While ordering notice before admission in the Writ Petition on 3-7-1998, though interim stay was granted, on filing a vacate stay petition, the same was vacated on 29-10-1998 and the respondents were directed to consider the case of the petitioner along with other eligible candidates for the post of GVVK Teacher and it was made clear that the appointments made pursuant to the present notification shall be subject to the result of the Writ Petition. It is

not known as to whether the petitioner had appeared for interview and joined in pursuance of the interview etc. In view of the interim orders, in fact, the Writ Petition has become infructuous.

From the averments in the counter, it appears that for the written test conducted on 6-12-1992, the process was completed by 27-6-1993. Thereafter, another 49 vacancies have arisen, for which also, the recruitment had taken place. Further, the merit list and waiting list, which were prepared in December,1992 cannot be taken into consideration due to considerable lapse of time and change in the minimum prescribed qualification for the post of GVVK Teacher. Though by Proceedings dated 23-5-1994, the certificates relating to educational qualifications and caste were called for from 45 candidates to appoint them as GVVK Teachers, but the proposal was dropped due to change of qualifications and action was taken for filling up of the existing 49 vacancies of GVVK Teachers by obtaining a fresh list of candidates, who possess educational qualifications in accordance with the orders in G.O.Ms.No.46, dated 7-2-1994. Therefore, the contention of the petitioner that for the same vacancies, a second test is sought to be conducted seems to be not correct. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, if the petitioner is selected and appointed, his appointment shall not be disturbed. No order as to costs.

04-4-2007

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